

### DETAILED ACTION

1. This Office Action is in response to the Amendment After-Final filed 4/21/08. Claims 5, 14-16, 24, 33, 37, and 39 have been cancelled. Claims 1-6, 8-13, 17-23, 25-32, 34-36, 38, and 40 are currently pending in the application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrick Reed on 5/20/08.

The application has been amended as follows:

#### **IN THE CLAIMS:**

**Claim 1:** In line 12 of claim 1, the phrase "**wherein if the priority of the send request is more important than the threshold priority, the send request is selected for sending, and if the priority of the send request is not more important than the threshold priority, the send request is not selected for sending**" has been

inserted between the word **"comparing"** and the semicolon (;), such that line 12 of claim 1 now reads as:

**"comparing, wherein if the priority of the send request is more important than the threshold priority, the send request is selected for sending, and if the priority of the send request is not more important than the threshold priority, the send request is not selected for sending; and"**

**Claim 6:** Claim 6 has been cancelled.

**Claim 7:** Claim 7 has been cancelled.

**Claim 20:** In line 6 of claim 20, the phrase **"wherein if the priority of a send request is more important than the threshold priority, the send request is selected for sending, and if the priority of the send request is not more important than the threshold priority, the send request is not selected for sending,"** has been inserted between the comma (,) and the second occurrence of the word **"and"**, such that line 6 of claim 20 now reads as:

**"priorities and a threshold priority, wherein if the priority of a send request is more important than the threshold priority, the send request is selected for sending, and if the priority of the send request**

**is not more important than the threshold priority, the send request is not selected for sending, and checking means for checking whether"**

**Claim 28:** In line 14 of claim 28, the phrase **"wherein if the priority of the send request is more important than the threshold priority, the send request is determined to be honored and selected for sending, and if the priority of the send request is not more important than the threshold priority, the send request is not determined to be honored and not selected for sending;"** has been inserted at the end of line 14, such that line 14 of claim 28 now reads as:

**"using the threshold priority and the send priority associated with the send request; wherein if the priority of the send request is more important than the threshold priority, the send request is determined to be honored and selected for sending, and if the priority of the send request is not more important than the threshold priority, the send request is not determined to be honored and not selected for sending;"**

**Claim 35:** In line 13 of claim 35, the phrase **"wherein if the priority of a send request is more important than the threshold priority, the send request is determined to be honored and selected for sending, and if the priority of the send request is not more important than the threshold priority, the send request is not**

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**determined to be honored and not selected for sending,”** has been inserted at the end of line 13, such that line 13 of claim 28 now reads as:

**“thereof, wherein if the priority of a send request is more important than the threshold priority, the send request is determined to be honored and selected for sending, and if the priority of the send request is not more important than the threshold priority, the send request is not determined to be honored and not selected for sending,”**

**Claim 38:** In line 1 of claim 38, the phrase “**claim 37**” has been deleted and has been replaced by the phrase “**claim 35**”, such that claim 38 depends on claim 35 instead of cancelled claim 37.

### ***Allowable Subject Matter***

3. Claims 1-4, 8-13, 17-23, 25-32, 34-36, 38, and 40 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEM

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